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WEEE / ROHS WHAT ARE MY RESPONSIBILITIES?

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INTRODUCTION

In order to understand my responsibilities and those of my suppliers & customers with regard to WEEE & ROHS,

I attended the Envirowise seminar in Cambridge on 22nd June 2005.

I left the seminar with a pretty clear idea of the situation but to check my conclusions I emailed the DTI.

As is often the case when investigating regulations & directives you find that there are other regulations which may have an impact on your responsibilities. The End of Life Vehicle (ELV) regulations reared their heads, but a phone call to DEFRA clarified the situation.

This report summarises my own personal findings, conclusions, & opinions.

This report is not intended to be a comprehensive guide to the regulations and I can't stress strongly enough the need to investigate, assess & document your own responsibilities.

I hope you find this report useful and interesting; I have included contact details in the credits at the end of this report. The help of these organisations is appreciated & recommended.

THE SEMINAR

Firstly, many thanks to Envirowise for organising such an interesting & informative event.

AGENDA

Profit through Compliance 22nd June 2005 – Cambridge

8.45 – 9.30	Registration	
9.30 – 9.40	Welcome	Richard Waterhouse Intellect
9.40 – 10.10	WEEE & RoHS – The Directives	Andrew Lunnon DTI
10.10 – 10.40	WEEE & RoHS – The Legal Standpoint	Jane Southworld Eversheds
10.40 – 11.00	WEEE & RoHS – Enforcing the Policy	Jeff Cooper Environment Agency
11.00 – 11.15	Questions	
11.15 – 11.30	Coffee	
11.30- 12.00	designtrack – compliance and competitiveness	Rob Holdway Envirowise
12.00-12.20	WEEE & RoHS – The Recyclers view	Alan Dukinfield RID UK
12.20- 12.40	Lead Free Assembly	Tom Perrett Tin Technology
12.40- 13.00	WEEE is that it? – Further environmental legislation	Leigh Holloway Envirowise
13.00	Lunch	
14.00 – 15.30	Disassembly Workshop and Product Surgery	Envirowise

SUMMARY

All the speakers were excellent covering and the range of subjects covered all aspects of the regulations.

The disassembly workshop was a bit of fun at the end of the day, and even here some valid points were raised regarding use of materials and method of assembly.

Envirowise are organising these seminars throughout the country for more info go to:

www.envirowise.co.uk

ANALYSING MY SITUATION

In order to check my own situation I defined four scenarios which I emailed to the DTI for comment.

These scenarios are exact factual descriptions of the situation between me, my suppliers, & my customers.

SCENARIO 1

We manufacture an industrial control panel, using various bought in components (Inverters, PLC, Touchscreen Displays, Relays, Contactors, Terminals, Wire, etc)

This is permanently installed at my customer's factory & wired up to various pieces of equipment (Motors, Valves. Probes etc)

It has an expected life of 5 - 10 years

We also supply a desktop PC & Printer with this system which is located in the manager's office and connected to the panel to allow monitoring, control & data logging

MY CONCLUSIONS

1. The control panel is exempt from WEEE as it is permanently installed control & monitoring equipment
2. If the PC or Printer fail We am obliged to accept them back from our customer (but can in turn return them to our supplier) for re-use / recycling
3. Provided we ensure that the PC & all components used in the panel are compliant with ROHS then by projection the panel is also compliant.

COMMENTS FROM DTI

"I would agree with your view. You may wish to note that monitoring and control equipment is exempt from ROHS."

SCENARIO 2

We purchase AC motor speed controllers (Inverters) from Meiden, & sell them to 3rd parties

The inverters are manufactured in Japan

Meiden have a UK Sales Office & Warehouse in Milton Keynes

We place my purchase orders with the UK Office

Transactions are in £UK

All goods are booked into the warehouse in UK before being shipped to us

These Inverters are normally installed in a control panel (Fixed Installation) but occasionally one may be sold as a standalone unit

These products are not intended for Domestic Use

MY CONCLUSIONS

1. When the goods are permanently installed in a control panel they are exempt from WEEE
2. If the inverter is installed as a standalone unit for a short period & then disposed of, it is the responsibility of the Meiden UK Sales office to accept this back for Re-use / Recycling
3. It is the responsibility of the manufacturing facility in Japan to ensure that the products comply with ROHS

COMMENTS FROM DTI

[I would agree with your view](#)

SCENARIO 3

We purchase Industrial Radio Controllers, & sell them to 3rd parties

The inverters are manufactured by Telecrane in Taiwan

We are the sole UK Agent selling direct to users & to UK companies who act as distributors

Transactions are in £UK

We purchase the units from an Agent in Cyprus

The goods are shipped directly to us from Taiwan

These units may be installed in/on a control panel (Fixed Installation), mounted on portable equipment or Vehicles, or used to control a Domestic Garage Door or Gate

MY CONCLUSIONS

1. When the goods are permanently installed in/on a control panel they are exempt from WEEE
2. If the unit is fitted to a Vehicle it comes under ELV regulations (not WEEE)
3. If the unit mounted on portable equipment or supplied to a domestic customer, it is our responsibility to accept this back for Re-use / Recycling
Can we Limit our sales to "Trade Only" and then pass on the responsibility for WEEE to our Customers / Distributors?
4. It is the responsibility of the manufacturing facility in Taiwan to ensure that the products comply with ROHS

COMMENTS FROM DTI

I would agree with your view.
It is a commercial decision for you whether you sell only business to business.

COMMENTS FROM DEFRA

I telephoned DEFRA to clarify my responsibilities under ELV

The Conclusions were:

Electronic equipment which is fitted to vehicles post manufacture is not covered by ELV.
Electronic equipment fitted to vehicles at their end of life is not covered by WEEE.

SCENARIO 4

We purchase various products from GE Consumer & Industrial, & sell them to 3rd parties

The products may be made in any part of the world, either GE or another manufacturer but all are branded with the GE Logo & labelling

Transactions are in £UK

We purchase the products online, Accounts are handled in Hungary

The goods are shipped directly to us from a warehouse in Belgium

These products may be installed in a control panel (Fixed Installation) or sold as a component / replacement part

These products are not intended for Domestic Use

MY CONCLUSIONS

1. When the goods are permanently installed in/on a control panel they are exempt from WEEE
2. If the goods are not exempt from WEEE, it is our responsibility to accept this back for Re-use / Recycling
Can we limit our sales to "Trade Only" and then pass on the responsibility for WEEE to our Customers?
3. It is the responsibility of GE to ensure that the products comply with ROHS

COMMENTS FROM DTI

I would agree with your view.

It is a commercial decision for you whether you sell only business to business.

COMMENTS

FIXED INSTALLATIONS & MONITORING & CONTROL EQUIPMENT

“Fixed Installations” & “Monitoring & Control Equipment” are exempt from WEEE & ROHS; this is presumably because they are expected to have a significant use life and so not have a significant impact on the amount of equipment being disposed of.

I asked the DTI if there was a more detailed definition of the term “Monitoring & Control Equipment”.

The reply:

“Unfortunately not, which is half the problem. It’s up to producers to make an informed decision or seek guidance.”

If you use these clauses to avoid responsibilities under the regulations it would be wise to document this decision and keep minutes of any discussions in order to show that due consideration was given, should it be challenged at a later date.

Note that even when a piece of equipment is defined as a “fixed installation” and or “Monitoring & Control Equipment” there may be other items (PCs Printers etc) which although supplied with the equipment, because of their location are not exempt.

IMPORTS & EXPORTS

WEEE is the responsibility of the organisation who accepts the goods into the UK.

It makes no difference whether the goods are sent from inside or outside the EEC.

Be careful when purchasing goods, it seems that even if you place your order with a company in the UK, if the goods are shipped directly to you from overseas; you are responsible for it under WEEE.

ELV

Although equipment which is fitted to a vehicle at its end of life, becomes exempt from WEEE, if the equipment is removed or replaced while the vehicle is still in use; it appears that you would be responsible for it under WEEE.

B2B

For sales which are business to business responsibility for WEEE can be transferred contractually to your customers (providing they agree).

Responsibility cannot be transferred for sales to the general public.

Some companies may decide to restrict their sales to “Trade Only” and by means of their terms & conditions of sale pass responsibilities on.

ROHS

Responsibility for ROHS ultimately lies with the manufacturer / designer as they are the only people who can ensure the correct materials & methods are used

Where subcontract assembly is used the subcontractor must assure the manufacturer that his specified methods & materials are used.

There is a responsibility all the way down the chain from manufacturer to end user to see that these regulations are observed

Equipment which is made in countries where ROHS does not apply may be excluded from the sale in the UK if it cannot be shown to comply, anybody importing equipment into the UK would be wise to ask for proof of compliance

Although there are exceptions to ROHS for Fixed Installations, Monitoring & Control Equipment, etc often when equipment is manufactured it cannot be said that it will always be used for this purpose.

The regulations & guidelines laid down by ROHS are a good working practice for any company that wants to be "Environmentally Friendly" even if their products are exempt from the regulations they would do no harm by working towards compliance.

MLH SERVICES POLICY FOR WEEE & ROHS

The majority of all goods supplied by MLH Services are exempt from WEEE as they can be defined as “Monitoring & Control Equipment” and are normally also “Fixed Installations”

The products we supply are from reputable manufacturers, they have high reliability, & long use-life expectancy.

From these points we can conclude that the amount of WEEE returned for our disposal / re-use will be insignificant.

We do however operate a service exchange scheme for many of the products we supply, this means that we are likely to receive goods back even though we are not responsible for them under WEEE regulations.

Our first objective with any returned item is to Re-Use.

If the unit can be repaired (or its components be used to repair another item)

Then the item will be re-sold as a refurbished or service exchange unit.

Ultimately some items cannot be repaired, these will be dispatched to a specialist company who can take these components and process them for re-cycling.

Generally components, rather than products, are disposed off.

Where possible, assemblies will be dismantled & different materials segregated prior to dispatch.

Even where we are not responsible for the disposal of these goods under the WEEE regulations.

We recognise our responsibility to dispose of them in an environmentally friendly manner.

MLH Services endeavours to ensure that it sends an absolute minimum amount of waste –of any description- to landfill.

Although our products are normally exempt from ROHS regulations.

In the interests of the environment, we endeavour to ensure that all our products are manufactured with consideration of the ROHS regulations and encourage our suppliers to do likewise.

CREDITS

Envirowise

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DTI

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Tel: 020 7215 5823
Web <http://www.dti.gov.uk/sustainability/weee/index.htm>
email Gordon.Tarrant@dti.gsi.gov.uk

FURTHER READING

[GG416 WEEE and ROHS Directive – Actions for Marketing Directors and Technical Directors](#)

[GG415 WEEE and ROHS Directives – Actions for Managing Directors](#)

(Available From Envirowise)



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